

SPECIAL CIVIL APPLICATION No 4966 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements? -
2. To be referred to the Reporter or not? - :
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement? -
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? -
5. Whether it is to be circulated to the Civil Judge? : NO
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MANUBHAI R PATEL

Versus

STATE OF GUJARAT

Appearance:

MR YN OZA for Petitioners
MR SN SHELAT, Addl. Advocate General
with Mr LR Pujari, AGP, for Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 06/12/1999

ORAL JUDGEMENT

Heard learned counsel for the parties.

2. This petition has been filed for quashing and setting aside the order passed by the competent authority and the order passed by the Urban Land Tribunal annexures A and B respectively in the Urban Land Ceiling matters.

3. Learned counsel for the petitioner contended that the status-quo order was passed by this Court in respect of the possession of the land in dispute. But the

possession of the land in dispute was recorded to have been taken on 14-2-1992.

4. The affidavit has been filed by J.B. Solanki, Competent Authority and Deputy Collector, Ahmedabad wherein he has tendered unconditional apology for not abiding by the direction of this Court dated 12-4-1991 as regards maintenance of status-quo as regards possession of the land in question.

5. Notice u/s 10 (5) of the Urban Land (Ceiling & Regulation) Act was issued by Shri Z.A Kazi, Deputy Collector and Competent Authority on 12-6-1990 and Mr. K.P. Vankar, Maintenance Surveyor. Due to lack of communication of the orders passed by this Court, under the panchanama dated 14-2-1992 the possession of the land was recorded. One of aforesaid two persons has retired and the other person has already been repatriated to his parent department. Now, the order has already been passed on 2-12-99 reversing the entry of the possession as the Urban Land (Ceiling and Regulation) Appeal Act, 1999 has been passed to repeal Urban Land (Ceiling and Regulation) Act, 1976 and it is stated in the affidavit that the respondents do not rely on the entry dated 14-2-1992 in respect of taking of possession of the land in dispute by the respondents.

6. In this case, the possession of the land in dispute is being treated as not having been taken by the Government and the proceedings of this petitions are liable to be abated.

7. In the result, the proceedings of this petition stands abated in view of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 and accordingly the same is dismissed. Rule is discharged with no order as to costs. Interim relief, if any, stands vacated.

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/JVSatwara/